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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,313	11/21/2003	Maximillian S. Gremillion	DRYA,004-02/C/CIP	3091
42077	7590	09/27/2005		
GORDON G. WAGGETT, P.C. 3200 SOUTHWEST FREEWAY, SUITE 2355 HOUSTON, TX 77027			EXAMINER SUCHFIELD, GEORGE A	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/719,313

Applicant(s)

GREMILLION, MAXIMILLIAN S.

Examiner

George Suchfield

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 is/are allowed.
- 6) ☒ Claim(s) 8, 11, 12, 15 and 18 is/are rejected.
- 7) ☒ Claim(s) 9, 10, 13, 14, 16 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/20/05; 2/1/05; 9/20/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "vanes 136" (page 13, line 5). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 8, 12 and 15 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 6, 9, 17 and 20 of U.S. Patent No. 6,484,803. Although the conflicting claims are not identical, they are not patentably distinct from each other because the "shoulder" of the "tubular member" of the centralizer of pending claims 8, 12 and 15 can be construed broadly enough to encompass or comprise one or more of the vanes of the

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“body” of the patent claims 6, 9, 17 and 20. It is deemed that the “groove”, further recited in the pending claims, can be construed broadly enough to comprise one or more of the “cut-outs” set forth in the said patent claims 6, 9, 17 and 20. Otherwise, the remaining limitations/features of pending and patent claims appear to correspond.

4. Claims 11 and 18 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 6, 9, 17 and 20 of U.S. Patent No. 6,484,803 in view of Baker (2,546,582).

Baker (note Figures 1 and 3) discloses a bow string centralizer wherein the bow springs are mounted in openings (13), which would comprise “notches”, as broadly recited in these claims.

Accordingly, it would have been obvious to one of ordinary skill in the art to which the invention pertains, to mount the bow springs in the centralizer of the patent claims 6, 9, 17 and 20 by providing notches in the centralizer collar(s), and positioning and attaching the bow springs therein, as disclosed by Baker, in order to provide advantageous and improved characteristics to the patent claim(s) centralizer, such as being sturdy and comparatively inexpensive, as taught by Baker (note col. 1, lines 23-28).

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 8 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Mikolajczyk (6,209,638).

Mikolajczyk (note col. 4, line 41 – col. 5, line 10) discloses a bow spring centralizer (50) positioned on a tubular member (20). The tubular member (20) includes a plurality of lugs (40) which are deemed to comprise the “shoulder” of claim 8. Similarly, the bow spring centralizer (50) comprises a first and/or second collar (55), in which are provided a plurality of windows (70). It is deemed that one or more of such windows comprise or read on the “groove” of claim 8 insofar as it is formed in the collar (55) for “receiving the shoulder on said tubular member”, i.e., one or more of the lugs (40).

As noted above, the bow spring centralizer (50) includes a pair of collars (55), as called for in claim 12.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mikolajczyk (6,209,638) as applied to claim 8 above, and further in view of Baker (2,546,582).

Mikolajczyk does not disclose the mounting of the bow springs on the collar(s) by positioning such bow springs within notches on the collar, but does indicate the bow springs may

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be attached "by other like means" (col. 4, line 60-62). Baker discloses a bow string centralizer wherein the bow springs are mounted in openings (13), which would comprise "notches", as broadly recited in claim 11.

Accordingly, it would have been obvious to one of ordinary skill in the art to which the invention pertains, to mount the bow springs in the centralizer of Mikolajczyk by providing notches in the centralizer collar(s) (55), and positioning and attaching the bow springs therein, as disclosed by Baker, in order to provide advantageous and improved characteristics to the Mikolajczyk centralizer, such as being sturdy and comparatively inexpensive, as taught by Baker (note col. 1, lines 23-28).

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Other references cited disclose exemplary centralizers for a well tubing and/or tubular member(s).

10. Claims 9, 10, 13, 14, 16 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

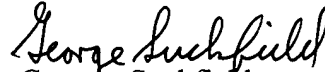
11. Claims 1-7 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Suchfield whose telephone number is 571-272-7036. The examiner can normally be reached on M-F (6:30 - 3:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
George Suchfield  
Primary Examiner  
Art Unit 3676

Gs  
September 22, 2005